

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 282 of 2006 (SS)

Nanda Ballabh Bisht s/o Sri Davi Dutt
Village Laluka, P.O. Gurburani
District Pithoragarh

..... Petitioner

Versus

1. State of Uttaranchal
2. District Magistrate, Almora
3. Additional District Magistrate, Almora
4. Chief Development Officer, Almora
5. State of U.P. through Principal Secretary
Rural Development U.P. Respondents

Sri G.C. Lakhchaura for the petitioner
Standing Counsel for State of U.P. & Uttaranchal for the
Respondents.

Dated: 4.3.2006

Hon'ble Rajesh Tandon, J.

Heard Sri G.C. Lakhchaura, counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 11.5.1992 passed by the Additional District Magistrate, Almora. The petitioner also prayed a writ of mandamus directing the respondents to pay post retiral benefits to him.

Briefly stated that the petitioner was appointed as Gram Sevak on 10.5.1968 as Gram Sevak and he joined at Kanlichhina. He remained posted at various places in District Pithoragarh. On 18.5.1992 the petitioner was terminated from service by the Additional District Magistrate, Almora. The petitioner has alleged that he was not heard before passing

termination order and no opportunity was given to him to defend himself .

He has made representation against his termination order on 10.7.1992. The termination order shows that the service of the petitioner was terminated on 18.5.1992 and the order has already been executed. The petitioner has also reached to the age of superannuation.

So far as the order of termination is concerned this order having been passed in the year 1992, therefore, Article 226/227 cannot be invoked at this highly belated stage. Further remedy of appeal was also available to the petitioner but he did not avail the same. The counsel for the petitioner has not pressed relief no.1 for a writ of certiorari. He only press that the representation of the petitioner for post-retiral benefits may be disposed of by the respondents.

So far as the post-retiral benefits are concerned, the petitioner may file a representation before the appropriate authority of the respondents within 15 days after obtaining certified copy of this order, who shall decide the same within one month thereafter with a reasoned order.

Subject to the observations made above, the writ petition is disposed of. No order as to costs.

Dated: 4.3.2006

Rajesh Tandon, J.

*Dhyani